THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.371 OF 1998

DATED: 26-2-2007

Between :

1. Jakkula Mallaiah and another .. Petitioners

And

1 . The Agent to the Government (District Collector), Khammam and others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.371 OF 1998

ORDER :

This writ petition is filed aggrieved by the order of ejection passed by the 2nd respondent dated 8-8-1996 as confirmed by the 1st respondent by order dated 28-11-1997 in C.M.A.No.8 of 1997.

The petitioner, a non-tribal, claims to be the owner and possessor of Ac.1-05 cents of land situated in Sy.No.452/2 of Usirikayalapalli Village, Singareni Mandal having purchased the same from another non-tribal by name Gade Sujatha on 12-3-1969. Admittedly, the land is situated in a scheduled area.

On the basis of a report submitted by the Mandal Revenue Officer, Singareni Mandal, dated 24-8-1994, the 2nd respondent had initiated proceedings under the A.P. Scheduled Area Land Transfer Regulation (Regulation 1 of 1959) and after due enquiry ordered that the petitioner should be ejected from the land in question and the same should be vested with the Government. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent – Agent to the Government. On re-appreciation of the material available on record, the 1st respondent confirmed the finding recorded by the 2nd respondent and accordingly dismissed the appeal. Hence, this writ petition.

I have heard the learned Counsel for the petitioner as well as the learned Government Pleader appearing for the respondents and perused the material on record.

The learned Counsel for the petitioner while pointing out that the

transfer in question was between two non-tribals and the same had taken place prior to Regulation 1 of 1970, vehemently contended that since the Regulation 1 of 1970 is prospective in nature and do not affect past transfers effected between non-tribals, the sale transaction dated 12-3-1969 cannot be held to be illegal.

In the case on hand, both the respondents 1 and 2 on appreciation of the evidence on record, particularly the pahanis of the schedule land, found that one V. Veeraiah was the patteadar during 1972. It was also found that the petitioners had came into possession only during 1980-81 and as per the pahanis they were shown as purchasers of the land in question only from 1989-90. Thus, it was concluded that the land was purchased by the petitioners only after enforcement of Regulation 1 of 1970. In the light of the said concurrent finding of fact recorded by the competent authorities, I am unable to accept the contention of the learned Counsel that the petitioners purchased the land in question under the Sale Deed dated 12-3-1969.

For the aforesaid reasons, the Writ Petition which is devoid of any merit is hereby dismissed. No costs.

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G. ROHINI, J.

Dt. 26-2-2007

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